APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,301	01/19/2001	Shinichiro Nishizawa	1086.1132/JDH	6749

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EXAMINER
NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/764,301	NISHIZAWA, SHINICHIRO
	Examiner	Art Unit
	Paul Nguyen-Ba	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*16 November 2005*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12 and 14-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-12 and 14-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/16/2005 has been entered.

2.   Claims 1, 3-12, and 14-26 are currently pending. Claims 1, 12, and 23-26 are

independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 3-10, 12, 14-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Levinson, U.S. Patent No. 6,047,260, in view of Frid-Nielsen et al. ("Frid"),

U.S. Patent No. 5,519,606.

Independent Claims 1, 12, 23

Levinson discloses a schedule managing apparatus, method, and computer-readable

recording medium for managing schedules (see Abstract), comprising:

a schedule classifying unit which classifies an inputted schedule into any type of a term

type schedule (i.e. floating task → col. 10, lines 12-39) *in which designated date/time is set to a*

term of an operation (earliest start time/latest stop time) *or a period type schedule* (i.e. fixed task

→ col. 16, lines 1-43) *in which a designated certain period is assured for the operation* (planned

start/stop time) (col. 6, lines 35-50) *on the basis of information of said inputted schedule* (col. 6,

lines 35-50; col. 10, lines 12-39; col. 16, lines 1-43), *and*

a schedule adjusting unit which adjusts the schedules in accordance with a combination

of the schedule types of the term type and the term type, the period type and the period type, or

the period type and the term type (see Abstract, col. 3 lines 64 *et seq.*; col. 10 lines 12-20 and

col. 16 lines 1-43)*, in a case where said inputted schedule overlaps with an existing schedule*

with respect to the time (col. 4, lines 34-37; cols. 17-19).

Levinson does not explicitly disclose:

...and maintains overlapped term type schedules.

However, Frid discloses:

> ...*and maintains overlapped term type schedules* (see col. 4 lines 56-58, col. 5
>
> lines 52-64, and Fig. 3E → Events may overlap one another, whereby the duration lines
>
> are drawn in an overlapping fashion. A user then has the option of reconciling this
>
> conflict or maintaining the overlapped schedule).

Since both references from the same field of endeavor, the motivational purpose of more

providing more efficient means for reconciling ordinal information, especially time-based

information as disclosed by Frid would have been recognized in the pertinent art of Levinson. It

would have been obvious at the time the invention was made to a person having ordinary skill in

the art to modify the teaching of Levinson with the teachings of Frid to include maintaining

overlapped schedules.

Claims 3, 14

Levinson further discloses a schedule managing *apparatus and method*, wherein the

inputted schedule is classified into any type of said term type schedule or said period type

schedule on the basis of *items regarding date/time, place, and contents* included in the inputted

new schedule (col. 14, line 51 to col. 15, line 23; see also Figures 11-14 → i.e. date, time,

duration, where, etc).

Claims 4, 15

Levinson discloses a schedule managing *apparatus and method*, wherein the inputted

schedule is classified into any type of said term type schedule or said period type schedule on the

basis of schedule information including an item regarding date/time, an item regarding a place,

an item regarding *persons concerned, an item regarding the contents, an item regarding priority,*

and an item including a schedule adjustment regarding a system which are inputted to a ToDo

list (col. 3, lines 64 *et seq.*; col. 9, lines 47-66; col. 14, line 51 through col. 15, line 23; see also

Figures 11-14, 19-25 → i.e. names, goals (priorities), addresses, phone numbers, directions,

schedule adjustment, etc.).

Claims 5, 16

Levinson discloses a schedule managing *apparatus and method*, wherein in the case

where the inputted new schedule and the existing schedule are the *term type schedules* (i.e.

floating tasks) and terms of both of said schedules *overlap*, the new schedule is assembled *as it is*

without adjusting both of said schedules (cols. 17-19 → when floating tasks overlap, their

original start times and stop times are left as is; the order of the tasks within the start and stop

times might be adjusted if there exists a priority weight difference between tasks).

Claims 6, 17

Levinson discloses a schedule managing *apparatus and method*, wherein in the case

where the inputted new schedule and the existing schedule are the *period type schedules* (i.e.

fixed tasks) and periods of both of said schedules *overlap*, the schedules is adjusted so as to leave

the schedule of *high priority* (col. 10, lines 4-8, 34-37; cols. 17-19 → with fixed tasks, the task

with higher priority preempts the fixed task with lower priority).

Claims 7, 18

Levinson discloses a schedule managing *apparatus and method*, wherein in the case

where *priority* of the inputted new schedule and that of the existing schedule are the *same*, the

schedule selected in accordance with a *preset condition is left* (col. 9, lines 2-7, 33-46; col. 13,

lines 50-52 *et seq.* → system or planner can preset scheduling conditions).

Claims 8, 19

Levinson discloses a schedule managing *apparatus and method*, wherein as a condition

in the case where the priority is the same, a *user's selection, a selection of the existing schedule,*

or a selection of the new schedule is set (col. 10, lines 2-4; col. 12, lines 4-6; col. 19, lines 24-31;

see also Table 7 → schedule conflicts can be resolved based upon user's selection).

Claims 9, 20

Levinson discloses a schedule managing *apparatus and method*, wherein in the case

where one of the inputted new schedule and the existing schedule is a period type schedule and

the other is the term type schedule, *if priority of the term type schedule is high, the schedules are*

adjusted so as to move the term type schedule to a period start position of the period type

schedule (col. 10, lines 4-8, 34-37; cols. 17-19 → the tasks with higher priority preempts or

delays the tasks with lower priority).

Claims 10, 21

Levinson discloses a schedule managing *apparatus and method*, wherein when the

priority of the term type schedule is *low*, the schedules are adjusted so as to move the term type

schedule to a period *end position* of the period type schedule (col. 9, lines 53-62; cols. 17-19 →

low priority tasks are either delayed to the end of the schedule or cancelled altogether if no time

remains in the schedule).

Claims 24-26 incorporate substantially similar subject matter as independent claims 1,

12, and 23, and are rejected along the same rationale.

5.   Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Levinson, U.S. Patent No. 6,047,260, in view of Frid-Nielsen et al. ("Frid"), U.S. Patent No.

5,519,606, in further view of Tracy Marks ("Marks"), Windows 95 ® Manual

(www.windweaver.com/w95man.htm), last updated on May 18, 1997.

Claims 11, 22

Levinson, in view of Frid, discloses a schedule managing *apparatus and method* as explained with respect to claims 1, 2, 9, 12, 13, and 20 above, but does not specifically disclose storing the schedule deleted by the adjustment of said schedules and a position before the adjustment of the schedule moved due to the adjustment of the schedules, and when the existing schedule is deleted, referring to a stored history and performing a recovery of the schedule deleted due to the schedule adjustment or a return of the schedule to an initial position moved due to the schedule adjustment.

However, Marks discloses a Recycling Bin wherein when you choose to delete files Windows sends the files to a "recycling bin" rather than permanently deleting files so that you can later restore the files to their original locations for the purpose of avoiding accidental deletion of important files (see LESSON THREE: Managing files → A. Recycling Bin).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Levinson, in view of Frid, with the teachings of Marks to include a storage for deleted schedules that can later be recovered to its original position for the purpose of avoiding accidental deletion of important scheduled events.

Response to Arguments

6.   Applicant's arguments with respect to amended claims filed on 11/16/2005 have been

considered but are moot in view of the new ground(s) of rejection.

Moreover, Applicant contends that Windows 95© Manual does not teach or suggest "a

schedule history managing unit storing deleted schedule and a position of the same" nor

"performing a recovery of the schedule deleted." Examiner respectfully disagrees.

Levinson discloses a schedule managing apparatus and method as explained with respect

to claims 1, 9, 12, 13, and 20 above. Marks discloses a Recycling Bin wherein when you choose

to delete files Windows sends the files to a "recycling bin" rather than permanently deleting files

so that you can later restore the files to their original locations for the purpose of avoiding

accidental deletion of important files (see LESSON THREE: Managing files → A. Recycling

Bin). It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to modify the teaching of Levinson with the teachings of Marks to

include a storage for deleted schedules that can later be recovered to its original position for the

motivational purpose of avoiding accidental deletion of important scheduled events.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094.

The examiner can normally be reached on 11 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB
12/9/2005

WILLIAM BASHORE
PRIMARY EXAMINER
12/10/2005